THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 18973 of 2007

Date:11-09-2007

Between:

Mohd. Shakeel ...
Petitioner

AND

The District Collector, Ranga Reddy and three others
..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to call for records connected with the declaration of the land in Sy.Nos.356 and 359 admeasuring Ac.2-00 guntas and land in Sy.Nos. 358/1 & 2 admeasuring Ac.6-00 guntas and land in Sy.No.357 admeasuring Ac.2-00 guntas of Pedda Mangalaram village, Moinabad madnal, Ranga Reddy District as the property belonging to the petitioner and direct the respondents not to interfere in the possession and enjoyment of the said land.

One Mohd. Shakeel son of Mohd. Jaffar filed this writ petition contending that he along with four others purchased the lands of an extent of Ac.01-34 guntas and Ac.0-06 guntas in Sy.No.359 totalling Ac.2-00 guntas from M.Saroja wife of Yadagiri Bochaiah vide registered sale deed, dated 30.08.2003, another extent of land of Ac.2-00 guntas in Sy.No.357 from B.Saroja wife of Advi Reddy under registered sale deed, dated 05.12.2003, and another extent of land of Ac.3.00 guntas from Sri Aslam Bin Abud by registered sale deed, dated 30.08.2003, all the lands situated at Pedda Mangalaram, Moinabad mandal, Ranga Reddy District. The total extent of which comes to Ac.7-00 guntas.

It is further stated that the original owners are Rukkamaiah and Augamaiah and it is a patta land and not an assigned land. The predeceased in title of the petitioner are holding pattadar pass books and title deeds issued by the revenue authorities and their names have been mutated in the revenue records and the petitioner has been in physical and constructive possession of the property and enjoying the same by cultivating it.

While so, the official respondents came to the site on

28.07.2007 and threatened the petitioner to dispossess him without following due process of law. It is stated that the said property is in possession of the predeceased of the petitioner since 1992 and therefore, the action of the respondents in interfering with the peaceful possession and enjoyment of the said land without due process of law is illegal.

Learned Government Pleader for Revenue on instructions placed the proceedings passed by the 4th respondent in Proc.No.B/135/2005, dated 03.06.2005 passed under Section 4(1) of the A.P. Assigned Lands (Prohibition of Transfer) Act 9 of 1977 (for short 'the Act'.

The perusal of the aforesaid proceedings passed by the 4th respondent goes to show that the lands in Sy.Nos. 356, 358 and 359 of an extent of Ac.12.30 cents, Ac.08.19 cents, and Ac.03.36 cents respectively are ceiling surplus lands and the said lands have been assigned to the landless poor persons viz. Myadar Pochaiah and six others of Pedda Mangalaram village. But, on field inspection, it was revealed that the said assignees have transferred the said land to Mir Tayyab Ali and others and found in possession of the said lands in contravention of A.P. Assigned Lands (Prevention of Transfer) Rules (for short 'the rules') and accordingly notices in form No.I of the Act and Rules has been issued to the possessors as well as the original assignees.

Pursuant to the said notices, Mir Tayyab Ali, the first purchaser along with the petitioner, Smt. Anjumsara, second purchaser along with the petitioner and Mohd. Khadruddin Siddiqui, the third purchaser along with the petitioner submitted their replies stating that they have purchased the said lands from Smt.Saroja and others with an intention to develop the same and the said objections have been considered

and held that the said surplus lands are assigned to M.Pochaiah and others and after considering the objections of the purchasers, the 4th respondent came to the conclusion that the assignees have alienated the ceiling surplus lands which have been assigned in favour of the assignees in contravention of Section 3 (1) and (2) of the Act and therefore, in exercise of the powers conferred under Section 4 of the Act, the 4th respondent has passed the order, dated 03.06.2005 resuming the said lands to the government's possession.

Learned Government Pleader for Revenue placed a representation, dated 19.03.2005 filed by all the five purchasers pursuant to the sale deeds before the 4th respondent for regularization of the said lands in their favour.

Learned counsel appearing for the petitioner submits that after filing the writ petition on 05.09.2007, the petitioner made a representation, dated 10.09.2007 before the 4th respondent stating that he along with four others purchased the said lands in the year 2003 and from the date of the purchase, they are in possession and enjoyment of the same and their names were also mutated in the revenue records and some of the officials of the respondents on 27.07.2007 came to their lands and threatened them to dispossess them. Accordingly, the said representation has been filed not to interfere with their possession.

In view of the aforesaid facts and circumstances of the case, I am of the opinion that the petitioner has suppressed all the legal facts without disclosing the resumption orders, dated 03.06.2005. In fact, the petitioner and others have jointly purchased the lands and three others have filed their objections and the petitioner also made a representation, dated 19.03.2005 requesting for regularization of the

lands and therefore, the petitioner is liable to be prosecuted for perjury for filing a false affidavit before this Court.

Having regard to the facts of the case, the writ petition is dismissed with costs of Rs.20,000/- (Rupees twenty thousands only) payable by the petitioner to the respondents.

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V.ESWARAIAH, J.

Date:11.09.2007
ccm